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COUNTY OF SAN MATEO and ROBERT

7 FOUCAULT, individually and as Coroner, SAN

MATEO COUNTY

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 ISOLINA PICON,

13 Plaintiff,

14 vs.

15 COUNTY OF SAN MATEO, ROBERT

16 FOUCAULT, individual and as Coroner, SAN

MATEO COUNTY

17 Defendants.  
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Case No. 08-0766 SC

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS  
PURSUANT TO RULE 12(B)(6) OF THE  
FEDERAL RULES OF CIVIL  
PROCEDURE**

Hearing:

Date: April 4, 2008  
Time: 10:00 a.m.  
Judge: Hon. Samuel Conti  
Courtroom: 1, 17th Floor

1 The Motion To Dismiss Pursuant To Rule 12(b)(6) Of The Federal Rules Of Civil Procedure filed  
2 by Defendants the County of San Mateo, California, and Robert Foucrault came on for hearing on April  
3 4, 2008, in Courtroom 1, before the Honorable Samuel Conti, Senior Judge of the United States Superior  
4 Court for the Northern District of California. All parties submitted briefs and were represented by  
5 counsel at the hearing on the motion.

6 The Court having reviewed the moving and responding papers and considered argument  
7 presented at the hearing hereby finds as follows:

- 8 1. Each of the four causes of action included in Plaintiff Isolina Picon's First Amended  
9 Complaint, dated January 25, 2008, fails to state a claim upon which relief may be granted  
10 against either Defendant County of San Mateo or Defendant Robert Foucrault due to the  
11 allegations included in the First Amended Complaint and the facts submitted in the  
12 attachment to that complaint.

13 Accordingly, Defendants' motion is granted and it is hereby **ORDERED** that Plaintiff's First  
14 Amended Complaint is dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

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16 Dated: \_\_\_\_\_

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19 THE HONORABLE SAMUEL CONTI  
20 SENIOR JUDGE  
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